

Union Calendar No. 41

103D CONGRESS
1ST SESSION

H. R. 698

[Report No. 103-86]

A BILL

To protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park.

MAY 11, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1993

Mr. VENTO introduced the following bill; which was referred to the Committee on Natural Resources

MAY 11, 1993

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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 27, 1993]

A BILL

To protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE, FINDING, AND DEFINITIONS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Lechuguilla Cave Protection Act of 1993”.*

1 (b) *FINDING.*—Congress finds and declares that
2 *Lechuguilla Cave and other significant cave resources of*
3 *Carlsbad Caverns National Park and adjacent public lands*
4 *in the cave protection area have internationally-significant*
5 *scientific, environmental, and other values and should be*
6 *retained in public ownership and protected against adverse*
7 *effects of mineral exploration and development and other*
8 *activities presenting threats to those values.*

9 (c) *DEFINITIONS.*—As used in this Act—

10 (1) the term “the Secretary” means the Secretary
11 *of the Interior.*

12 (2) the term “cave protection area” means the
13 *lands within the area depicted on the map referred to*
14 *in section 2(b).*

15 (3) except as otherwise specified in this Act, all
16 *other terms, including the term “public lands,” shall*
17 *have the same meaning as such terms have in the*
18 *Federal Land Policy and Management Act of 1976*
19 *(43 U.S.C. 1701 et seq.).*

20 **SEC. 2. LAND WITHDRAWAL.**

21 (a) *WITHDRAWAL.*—Subject to valid existing rights,
22 *the approximately 6,280 acres of public lands within the*
23 *cave protection area, and all other lands within the bound-*
24 *aries of the cave protection area which may hereafter be-*
25 *come subject to the operation of the public land laws, are*

1 *hereby withdrawn from all forms of appropriation or dis-*
2 *posal under the public land laws (including the mining and*
3 *material disposal laws) and from the operation of the min-*
4 *eral leasing and geothermal leasing laws.*

5 (b) *LAND DESCRIPTION.*—*The lands referred to in sub-*
6 *section (a) are the lands generally depicted on the map enti-*
7 *tled “Lechuguilla Cave Protection Area” dated April 1993*
8 *and filed in accordance with subsection (c).*

9 (c) *PUBLICATION, FILING, CORRECTION, AND INSPEC-*
10 *TION.*—

11 (1) *As soon as possible after the date of enact-*
12 *ment of this Act, the Secretary shall publish in the*
13 *Federal Register a notice containing the legal descrip-*
14 *tion of the lands withdrawn by subsection (a) and*
15 *shall file such legal description and a detailed map*
16 *of the lands referred to in such subsection with the*
17 *Committee on Natural Resources of the House of Rep-*
18 *resentatives and the Committee on Energy and Natu-*
19 *ral Resources of the Senate.*

20 (2) *The map and legal description referred to in*
21 *paragraph (1) shall have the same force and effect as*
22 *if included in this Act except that the Secretary may*
23 *correct clerical and typographical errors in such map*
24 *and legal description.*

1 (3) *Copies of the map and legal description re-*
2 *ferred to in subsection (b) shall be available for public*
3 *inspection in the offices of the Director and appro-*
4 *priate State Director of the Bureau of Land Manage-*
5 *ment.*

6 (d) *MANAGEMENT.—The public lands withdrawn by*
7 *this section shall be managed by the Secretary, through the*
8 *Director of the Bureau of Land Management, pursuant to*
9 *the Federal Land Policy and Management Act of 1976 (43*
10 *U.S.C. 17901 et seq.) and other applicable law, including*
11 *this Act.*

12 **SEC. 3. MANAGEMENT OF EXISTING LEASES.**

13 (a) *SUSPENSION OF NEW DRILLING.—(1)(A) Effective*
14 *on the date of enactment of this Act, the Secretary shall*
15 *not permit any new drilling on or involving any valid min-*
16 *eral or geothermal leases within the lands withdrawn by*
17 *section 2.*

18 (B) *If the Secretary deems it appropriate in order to*
19 *prevent an adverse impact on Lechuguilla Cave or other*
20 *significant cave resources of Carlsbad Caverns National*
21 *Park and the lands within the cave protection area, the Sec-*
22 *retary shall require suspension of any other activities with*
23 *respect to such leases.*

24 (2) *The prohibition on new drilling imposed by para-*
25 *graph (1) shall remain in effect until the effective date of*

1 *a record of decision regarding the proposal to drill analyzed*
2 *in the Dark Canyon Environmental Impact Statement, or*
3 *for 12 months after the date of enactment of this Act, which-*
4 *ever first occurs. Nothing in this subsection shall be con-*
5 *strued as requiring the Secretary to permit or prohibit new*
6 *drilling after such period.*

7 (b) *NEGOTIATIONS.—(1) During the period specified*
8 *in subsection (a)(2), the Secretary shall seek the agreement*
9 *of the holders of existing valid mineral or geothermal leases*
10 *on the public lands withdrawn by section 2(a) for the termi-*
11 *nation of such leases or to such restrictions on activities*
12 *on lands covered by such leases as the Secretary deems ap-*
13 *propriate to protect Lechuguilla Cave and the other signifi-*
14 *cant cave resources of Carlsbad Caverns National Park and*
15 *the lands within the cave protection area.*

16 (2)(A) *With respect to any lease for which no agree-*
17 *ment of the type described in paragraph (1) of this sub-*
18 *section has been reached at the end of the period specified*
19 *in subsection (a)(2), the Secretary shall take such steps as*
20 *the Secretary deems appropriate in order to protect*
21 *Lechuguilla Cave and the other significant cave resources*
22 *of Carlsbad Caverns National Park and the lands within*
23 *the cave protection area.*

24 (B) *The steps referred to in subparagraph (A) may*
25 *include acquisition of the lands covered by such leases or*

1 *any interests therein. In the event of such acquisition, any*
2 *lands or interests therein so acquired shall be managed pur-*
3 *suant to the Federal Land Policy and Management Act of*
4 *1976 and other applicable law, including this Act.*

5 *(3) To the extent the Secretary deems desirable, the*
6 *Secretary shall seek the cooperation of the State of New*
7 *Mexico and any other parties owning lands within the cave*
8 *protection area with respect to such restrictions on the use*
9 *of relevant lands owned by such parties as the Secretary*
10 *may suggest in order to further the protection of*
11 *Lechuguilla Cave and the other significant cave resources*
12 *of Carlsbad Caverns National Park and the lands within*
13 *the cave protection area.*

14 **SEC. 4. ADDITIONAL PROTECTION AND RELATION TO**
15 **OTHER LAWS.**

16 *(a) ADDITIONAL PROTECTION.—(1) If on the basis of*
17 *scientific analysis found by the Secretary to be relevant and*
18 *credible, the Secretary deems it appropriate to take addi-*
19 *tional steps to protect Lechuguilla Cave or the other signifi-*
20 *cant cave resources of Carlsbad Caverns National Park and*
21 *the lands within the cave protection area, the Secretary,*
22 *pursuant to the authority of the Federal Land Policy and*
23 *Management Act of 1976 or other applicable law, shall take*
24 *such steps.*

1 (2) *To the extent the Secretary finds appropriate in*
2 *order to protect Lechuguilla Cave and the other significant*
3 *cave resources of Carlsbad Caverns National Park or the*
4 *lands within the cave protection area, the Secretary may*
5 *limit or prohibit access to or across lands owned by the*
6 *United States or prohibit the removal from such lands of*
7 *any mineral, geological, or cave resources except as the Sec-*
8 *retary may permit for scientific purposes.*

9 (3) *If the Secretary determines that existing law, in-*
10 *cluding this Act, provides the Secretary insufficient author-*
11 *ity to take any step the Secretary deems desirable in order*
12 *to protect Lechuguilla Cave or other significant cave re-*
13 *sources of Carlsbad Caverns National Park or the lands*
14 *within the cave protection area, the Secretary shall inform*
15 *the Committee on Natural Resources of the House of Rep-*
16 *resentatives and the Committee on Energy and Natural Re-*
17 *sources of the Senate concerning the additional authority*
18 *the Secretary believes desirable.*

19 (b) *RELATION TO OTHER LAWS.—Nothing in this Act*
20 *shall be construed as increasing or diminishing the ability*
21 *of any party to seek compensation pursuant to other appli-*
22 *cable law, including but not limited to the Tucker Act (28*
23 *U.S.C. 1491), or as precluding any defenses or claims other-*
24 *wise available to the United States in connection with any*
25 *action seeking such compensation from the United States.*